

REGULAR MEETING of the Town Council to be held on Wednesday, April 12, 2006 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

MEMBERS ABSENT: None

Note: Council President Wallace F. Lees noted that the public hearing related to an appeal the of decision of the Sewer Commission – Mill Pond Village Betterment Assessments, received from the Law Offices of Michael A. Kelly had been cancelled because an agreement had been reached.

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held March 22, 2006, the workshop held March 8, 2006; the public hearing held March 15, 2006, the special meeting held March 22, 2006, the public hearings held March 22, 2006; and dispense with the reading of said minutes.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville.

Michael C. Wood, Town Manager, reviewed legislation pending before the general assembly for Council consideration:

- 2006 H7252 An Act Relating to Towns and Cities – Relief of Fire Fighters and Police Officers**
- 2006 S2694 Joint Resolution to approve and publish and submit to the electors a proposition of an amendment to the constitution of the State (referendum on fiscal responsibility and affordability)**
- 2006 H6909 An Act Relating to Taxation – Levy and Assessment of Local Taxes**
- 2006 H7517 An Act Relating to Labor Arbitration of Municipal Employees Disputes**

5. Petitions: None

6. Special Business:

06-090 VOTED to adopt House Resolution H 7898 and Senate Resolution S 2934, commemorating the 200th Anniversary of the Town of Burrillville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: The clerk was asked to post the resolutions in the town building.

06-091 VOTED to adopt proclamations honoring Norman P. “Joe” Menard, Anthony Ficca, Paul Breault, Donald Humpal, Ed Jasinowski, Frank Hauser, Heidi Gabrielson, Lisa (Chretien) Cabral, Dennis Dwyer and the 1973 Hockey Team on their induction to the Burrillville High School Athletic Hall of Fame; to be considered and acted on.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-092 VOTED to grant an annual victualing house license to Lil Deb

Corporation d/b/a Old Victory Square Diner to apply at 2731 Victory Highway.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-093 VOTED to grant an annual arcade license to Spring Lake Arcade to apply at 52 Old Hillside Drive, Glendale.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-094 VOTED to grant an annual hawkers and peddlers license to Anabell's Ice Cream to apply throughout the Town of Burrillville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-095 VOTED to grant the renewal of Private Detective License No. 12 to Vincent N. Rocco.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-096 VOTED to adopt a resolution in commemoration of Earth Day 2006, as follows:

**BURRILLVILLE TOWN COUNCIL
RESOLUTION**

WHEREAS, the Council of the Town of Burrillville recognizes that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation; and

WHEREAS, as a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and superfund legislation putting a lasting framework for the future into place; and

WHEREAS, Rhode Islanders in general, and Burrillville residents in particular, have demonstrated leadership in environmental action and

awareness, and have also expected environmental action from their leaders; and

WHEREAS, it is our common responsibility to clean up our environment and protect it from harm; and

WHEREAS, in 2006 Earth Day is April 22nd and in Rhode Island Earth Day activities will take place in the days and weeks around that date.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville support this 36th year of Earth Day activities in Burrillville and on a statewide, national, and global level; and

BE IT FURTHER RESOLVED that we declare April 29th 2006 as Burrillville Earth Day; and

BE IT FURTHER RESOLVED that we encourage youth and adults alike to take the pledge to keep Rhode Island Clean and Green; and

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, encourage Burrillville residents to participate in neighborhood cleanups, educational activities, and celebrations connected with Rhode Island Earth Day.

Adopted this 12th of April, 2006.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the

motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

7. Unfinished Business:

05-270 VOTED to schedule a workshop with the Historic District Commission at the call of the Council President.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-025 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding consideration and action on the Personnel Board's review of the Classification Plan.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Michael C. Wood, Town Manager, noted that there had

been no reviews of the classification plan since it was originally adopted in 1999. Mr. Wood indicated that, at his recommendation, the Town Council had requested that the Personnel Board review and update the plan. Mr. Wood indicated that he essentially concurred with the proposal.

James H. Moran, Chairman of the Personnel Board, explained the process of developing the proposal based on the R.I. Municipal Salary Survey published in August 2005. Mr. Moran indicated that several classifications had been added to the plan: Community Development Coordinator, Site Coordinator of Burrillville Extended Care (BEC).

Mr. Moran recommended that the plan should be reviewed again in August 2006 to include employees from the sewer commission and the library. Michael C. Wood, Town Manager, expanded on the inclusion of the BEC and waste water treatment facility positions.

Councilor William A. Andrews noted that new employees may be hired at starting salaries which are lower than the base wages specified in the classification plan. There was discussion of the comparison of Burrillville base wages to other communities' wages. Councilor William A. Andrews noted that the classification plan has brought the town to a level playing field in the hiring.

Councilor Binns asked whether the scope of duties was taken into

account; Mr. Moran indicated that, while there was no leveling comparison, there was an effort to consider the responsibilities of the positions. Councilor Andrews noted that the position of town clerk was the only classification/title for which the proposed base wage was the same as the current base wage. There was discussion that the duties of the position are substantial and merit a higher base wage. Councilor Jacqueline Zahn cautioned against paying any position more than the town could afford.

VOTED to accept the proposed plan, with a salary increase in the classification/title “town clerk” to reflect that there was a \$5,000 increase.

Motion by Councilor William A. Andrews. Seconded by Councilor Edward F. Bonczek. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-052 VOTED to open the resolution in support of amendments to §16-7-44. School housing project costs.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F.

Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: John P. Mainville, Finance Director, explained that the proposed amendments would allow municipalities to combine issues and to seek resources other than Rhode Island Health, Education and Building Corporation.

VOTED to adopt a resolution in support of amendments to §16-7-44. School housing project costs, as follows:

Resolution

in Support of Amendments to

§16-7-44. School housing project costs

WHEREAS, current provisions of §16-7-44. School housing project costs which require that interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation limit the ability of some communities in securing financing for school projects; and,

WHEREAS, the requirement that the bonds be issued through the Rhode Island Health, Education and Building Corporation negatively impacts the timeframe for issuance of bonds and acquisition of funds; and

WHEREAS, when school bonds must be issued through the Rhode Island Health, Education and Building Corporation, municipalities are unable to combine bond issues, resulting in duplicate costs; and

WHEREAS, those communities with a strong financial standing may secure more favorable rates by directly financing projects; and,
WHEREAS, communities should be encouraged to finance at the best possible rates; and
WHEREAS, interest payments should be included in school housing projects costs for projects in communities that have secured favorable financing due to their strong financial standing.

NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 12th day of April 2006 do hereby respectfully request that RIGL §16-7-44. School housing project costs be amended to read as follows:

§ 16-7-44 School housing project costs. – School housing project costs, the date of completion of school housing projects, and the applicable amount of school housing project cost commitments shall be in accordance with the regulations of the commissioner of elementary and secondary education and the provisions of §§ 16-7-35 – 16-7-47; provided, however, that school housing project costs shall include the purchase of sites, buildings, and equipment, the construction of buildings, and additions or renovations of existing buildings and/or facilities. School housing project costs shall include the cost of interest payment on any bond issued after July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or issued by a municipal public building authority or by the appropriate approving authority on or before June 30, 2003. For those

projects approved after June 30, 2003, interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation or from communities with a stand alone investment grade rating of at least A as established by Fitch Ratings, Ltd., Moody's Investors Service, Inc. or Standard & Poor's Rating Service. School housing project costs shall exclude: (1) any bond issuance costs incurred by the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 6-7-44.1 below. A building, facility, or site is declared surplus by a school committee when the committee no longer has such building, facility, or site under its direct care and control and transfers control to the municipality, § 16-2-15. The board of regents for elementary and secondary education will promulgate rules and regulations for the administration of this section. These rules and regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve funding, to finance school housing provided that the term of any bond, or capital lease shall not be longer than the useful life of the project and these instruments are subject to the public review and voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or towns issuing bonds, or leases issued by municipal public buildings authority for the benefit of a local community pursuant to chapter 50 of title 45 shall not require voter approval.

BE IT FURTHER RESOLVED that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

Adopted this 12th day of April 2006

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-053 VOTED that the Waterman Engineering Company of East Providence be added to the list of professional services companies.

Motion by Councilor William A. Andrews. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-076 VOTED to open the correspondence from the Burrillville Sewer Commission regarding their request to discuss financial alternatives for completing expansion of the sewer system to the eastern villages.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Walter J. Kane, Town Solicitor, reviewed the discussion held at a workshop between the Town Council and the Sewer Commission held on Monday, April 10, 2006. Michael C. Wood, Town Manager, discussed options for funding the project. Don C. Wolfe of the Sewer Commission explained the desire to complete the project and the notion of user's fees funding the balance of the work.

VOTED to authorize the Sewer Commission with the administration to proceed to get the outline of an agreement to get a minimum of three million dollars from SRF; and that that funding would go to the Town Council; and that the Sewer Commission would have those funds available; and that all those funds be repaid by Sewer user charges.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to authorize the town administration and the sewer authority

work together and come back to the Council with possible sources of funding to complete the entire project that was shown to the Council; total project was three and one-half million dollars; if possible to obtain the additional money from SRF; if not, to come back with an alternative proposal.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

8. New Business:

06-097 VOTED to open discussion of a resolution of the Town Council authorizing the Burrillville Sewer Commission to acquire land or other real property, or any interest estate or right therein, by eminent domain in the manner prescribed by Chapter 1 of Title 24 of the General Laws of the State of Rhode Island, as amended, and the provisions of the Burrillville Town Charter.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Walter J. Kane, Town Solicitor, explained that the Sewer Commission can only take land once the Council has authorized it. The current resolution would allow the Sewer Commission to take land for an additional pump station on Map 114, Lot 12. The Sewer Commission would take title to an area of land that is approximately 55 feet by 55 feet, he said. Mr. Kane also described the taking of temporary easements, which would be for use during the construction period.

VOTED to adopt a resolution, as follows:

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF BURRILLVILLE**

The Town Council hereby gives its authorization and approval to the Board of Sewer Commissioners of the Town of Burrillville to acquire land or other real property, or any interest, estate or right therein by eminent domain in the manner prescribed by Chapter 1 of title 24 of the General Laws of the State of Rhode Island,, as amended, and the Burrillville Town Charter.

The Town Council hereby determines that the public interest and convenience makes necessary the acquisition of land or an interest, or estate, or right therein, for the purpose of constructing, maintaining and operating a system of sewers for the Town of

Burrillville.

This authorization and approval is limited to the parcels described in the following Plans of Easement and Land Taking prepared by Beta Engineering, Inc., entitled:

(1) Board of Sewer Commissioners

Town of Burrillville, Rhode Island

Plan of Land taking 11

March 2004

Revised March 2006

(2) Board of Sewer Commissioners

Town of Burrillville, Rhode Island

Plan of Easement 98

March 2004

Revised March 2006

and such Plans of Easement and Land Taking is incorporated herein and made a part hereof.

Passed as a Resolution of this Council this 12th day of April 2006.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-098 VOTED to refer to the ordinance subcommittee the correspondence from Colonel Bernard E. Gannon, Chief of Police and Richard A. Bernardo, P.E., Director of Public Works and Engineering Services, regarding citizens' request for traffic control at the intersection of Rock Avenue and Eagle Peak Road.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-099 VOTED to open the correspondence from Bob Peloquin regarding residents' and property owners' concerns related to noise pollution in the village of Pascoag.

Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Residents Robert Peloquin, Vincent Rocco, Melanie

Dupont, Nicole Belleville, and Al Palmisciano addressed the Town Council regarding problems with noise on Pascoag Main Street. They discussed noise associated with excessive speed, cars with “boom boxes”, four-wheel vehicles, motorcycles, defective vehicles without mufflers and the negative impact on the neighborhood.

VOTED to refer to the manager for enforcement by the police department.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-100 VOTED to open the correspondence from Richard D. Tarlaian, Jr., regarding his request for a waiver of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Richard D. Tarlaian, Jr. of Victory Highway, explained

that he had been under the impression that the property taxes had been paid at the time of the closing and was unaware that third quarter taxes were due until he was notified that the taxes were overdue and interest due. The matter was discussed.

VOTED to deny the request.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley and Ronald E. Faford. Councilor Edward F. Bonczek voted in opposition.

06-101 Correspondence from John P. Mainville, Finance Director, regarding his recommendations for awarding bids:

VOTED to award the purchase of the Welcome Sign for the Gateway Project to Farrell Signs at a cost of \$3,250.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to award Full Depth Pavement Reclamation bid to Garrity Asphalt Reclaiming, Inc. at a cost of \$1.82 per square yard.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to award the installation of an irrigation system and sod to Central Nurseries at a cost of \$97,731.00.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley voted in opposition.

VOTED to award the chain link fence installation to North Smithfield Fence, Inc. at a cost of \$33,349.00.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns,

Edward F. Bonczek and Ronald E. Faford. Councilor Margaret L. Dudley voted in opposition.

VOTED to award the purchase of a photocopy machine for the Town Clerk's office to Konica Minolta Business Solutions at a price of \$11,499.00.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to award the purchase of a photocopy machine for the Department of Public Works office to Konica Minolta Business Solutions at a price of \$5,499.00.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-102 VOTED to open discussion of a motion to adopt a resolution related to construction and issuance of bonds for the W.L. Callahan Elementary School project.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: John P. Mainville, Finance Director, noted that the proposed resolution related to the Callahan School was provided by the Rhode Island Health Education Bond Corporation as part of the process. The proposal had been reviewed by Palmer and Dodge, he said, and their recommendations had been incorporated into the amended resolution before the Council.

VOTED to adopt a resolution, as amended, related to construction and issuance of bonds for the W.L. Callahan Elementary School project, as follows:

RESOLUTION

TOWN OF BURRILLVILLE, RHODE ISLAND

RESOLUTION OF THE TOWN OF BURRILLVILLE APPROVING THE CONSTRUCTION, EQUIPPING AND FURNISHING OF AN ADDITION TO AND REMODELING, RECONSTRUCTION AND MAKING EXTRAORDINARY REPAIRS TO THE W.L. CALLAHAN ELEMENTARY SCHOOL AND TO ISSUE

NOT MORE

THAN \$7,500,000 BONDS AND NOTES THEREFORE INCLUDING BUT NOT LIMITED TO, BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS

WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

RESOLVED, That:

SECTION 1. In accordance with the vote of the electors of the Town at the election held on November 2, 2004 at which election the voters approved the issuance of not more than \$7,500,000 bonds and/or notes for the Project (herein defined), an amount not to exceed \$7,500,000 is hereby appropriated for the purpose of the construction, equipping and furnishing of an addition to and remodeling, reconstruction and making extraordinary repairs to the W.L. Callahan Elementary School (the "Project").

SECTION 2. Pursuant to Chapter 506/568 of the Public Laws of 2004 the Town Finance Director and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Seven Million Five Hundred Thousand Dollars (\$7,500,000) bonds of the Town for the Project, including but not limited to any bonds or notes issued pursuant to financing agreements with the Rhode Island Health and Educational Building Corporation one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes. The Town may enter into a financing and/or other agreements with the Rhode Island Health and Educational Building Corporation pursuant to Title 45, Chapter 38.1 of the General Laws.

SECTION 5. The said officers from time to time may, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Town Finance Director, at the written direction of the Town Council, may expend funds from the general treasury of the Town or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Town Finance Director and the President of the Town Council are also authorized, empowered and directed, on behalf

of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Town Finance Director and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Town Finance Director and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such

actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 9. The Town Finance Director and the President of the Town Council are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to insure that the interest on the bonds and notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds and notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Town Finance Director and the President of the Town Council are further authorized to take all lawful action necessary or desirable to designate the bonds and notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 10. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$7,500,000 and shall be reimbursed not later than

eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 11. This resolution shall take effect upon its passage.

Adopted this 12th day of April 2006

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-103 VOTED to open the correspondence from Councilor Nancy F. Binns regarding her request that the Town Council consider and act on obtaining a complete and comprehensive audit of the June Rockwell Levy Rink, to include structural, mechanical, and fire systems; and appropriating an amount not to exceed \$7,500 to obtain the audit.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Councilor Nancy F. Binns explained that her request rose from residents' concerns regarding the physical state of the June Rockwell Levy Rink. Councilor Binns noted that there had been discussion of the town taking over operation of the rink, recommended that the Council conduct a workshop on the matter with the School Committee and suggested that it would be prudent to determine the condition of the building prior to taking any action.

VOTED to obtain the audit with \$7,500 from the undesignated, unrestricted fund.

Motion by Councilor Ronald E. Faford. Seconded by Councilor Edward F. Bonczek. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-104 Correspondence from Council President Wallace F. Lees regarding appointments:

VOTED to appoint Councilor Nancy F. Binns to the ordinance subcommittee to replace Councilor Ronald E. Faford.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the

motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to appoint Council President Wallace F. Lees as liaison to the Burrillville Senior Citizens' Association to replace the late Councilor William E. Gonyea

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to appoint Councilor Ronald E. Faford as liaison to the Burrillville Sewer Commission to replace the late Councilor William E. Gonyea.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to appoint Councilor Nancy F. Binns as liaison to the Zoning Board to replace the late Councilor William E. Gonyea.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-105 Correspondence from Councilor Jacqueline Zahn, Chair, Screening Subcommittee, regarding the committee recommendations:

VOTED to reappoint Christopher Desjardins, Bruce Ferreira and Jeffrey Presbrey to the Planning Board for three-year terms to expire on March 31, 2009; and

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to reappoint John Patriarca as an alternate member of the Zoning Board of Review for a one-year term to expire on March 31, 2007; and

Motion by Councilor Margaret L. Dudley. Seconded by Councilor

Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to reappoint Marc Tremblay, Paul Roselli and Michael Scurka to the Conservation Commission for three-year terms to expire on March 31, 2009; and

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to reappoint Robert Peloquin to the Redevelopment Agency for a three-year term to expire on March 31, 2009.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-106 VOTED to raise the Armenian flag at the Town Building on Monday, April 24, 2006 in recognition of “Rhode Island Day of

Remembrance of the Armenian Genocide”.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Edward F. Bonczek. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

9. Town Clerk/Communication:

06-107 VOTED to receive and open the correspondence from Barbara A. VonVillas, Ph.D., Superintendent of Schools, regarding the transfer of 92 North Main St., Pascoag and 265 Sayles Avenue, Pascoag, from the School Department to the Town.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Michael C. Wood, Town Manager, noted that there had been discussion that 92 North Main St. would be an appropriate office space for the Department of Parks & Recreation. Mr. Wood indicated that department funds would be available for a portion of the renovation. The Town Council generally supported the proposal.

VOTED to receive and file.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Edward F. Bonczek. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-108 VOTED to receive and file the correspondence from John P. Mainville, Finance Director, regarding disposition of vehicles previously declared surplus.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-109 VOTED to receive and file the article from the University of Rhode Island Transportation Center newsletter regarding the Burrillville salt storage facility located off Union Avenue, Harrisville.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F.

Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-110 VOTED to support the Gloucester Town Council's opposition to H7280 – An Act Relating to Statutes and Statutory Construction – Publication and Distribution of Acts.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-111 VOTED to support a resolution of the Town Council of the Town of South Kingstown calling for the establishment of a Joint Pension Review Committee.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-112 VOTED to receive and file the correspondence from Dale S. Holberton, CMC, regarding the Town Council of the Town of South Kingstown's support of certain legislation, as requested by the Burrillville Town Council (An Act Relating to Education – Foundation

Level School Support; and the elimination of MTBE as a gasoline additive.)

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-113 VOTED to receive and file the correspondence from Mary E. Morgan, Town Clerk, regarding the Richmond Town Council's support of Burrillville's resolutions related to relocation of infrastructure, Foundation Level School Support, and the elimination of MTBE as a gasoline additive.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Edward F. Bonczek. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

10. Additional New Business:

06-114 VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for review, discussion and

considerations related to the acquisition, sale and exchange of real property and [42-46-5 (a)(2)] and for review and discussions relating to litigation matters.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

The Council returned to open session at 9:03 P.M.

VOTED to seal the minutes of executive session, noting that one vote had been taken.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to adjourn at 9:03 P.M.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Louise R. Phaneuf, Town Clerk